

ITEM: 13

SUBJECT: Planada Community Services District, Wastewater Treatment Facility,
Merced County

BOARD ACTION: *Consideration of Administrative Civil Liability Order.*

BACKGROUND: The District owns and operates a WWTF that serves the community of Planada and discharges the effluent to Miles Creek. The State Board has designated the District as a small community with a financial hardship. The Executive Officer, on 2 August 2004, issued a complaint assessing \$255,000 in mandatory minimum penalties pursuant to CWC sections 13385(h) and (i) for 94 acute and chronic violations of BOD₅, TSS, coliform, and chlorine residual effluent limitations in Waste Discharge Requirements Order No. 97-123 (NPDES Permit No. CA0078950) between 1 January 2000 and 30 April 2004. On 12 January 2004 and 24 August 2004, the Department of Fish and Game and Regional Board staff investigated fish kills in Miles Creek downstream of the District's discharge. As a result of the fish kills, the District entered into a stipulated settlement agreement with the Merced County District Attorney. The stipulated agreement includes a monetary forfeiture and suspended penalty, and it incorporates the adopted version of the proposed Order by reference. For a POTW designated by the State Board as a community with a financial hardship, CWC Section 13385(k) allows the Regional Board to suspend all or a portion of the mandatory penalties by requiring such a POTW to spend an equivalent amount towards completion of a compliance project (CP). If the CP is not completed on time and to the satisfaction of the Regional Board or the Executive Officer, the suspended amount becomes due and payable to the State Water Pollution Cleanup and Abatement Account. The proposed Order credits the District with the \$95,550 it has expended for completed mitigation projects, such as chlorination and dechlorination controls and remote alarm systems designed to correct violations. The District has proposed a CP with a time schedule to cease discharge to Miles Creek and to reclaim all of the treated effluent on agricultural land. The proposed Order temporarily suspends payment of the remaining \$159,450 if the District complies with the time schedule in the proposed Order to cease discharge to Miles Creek, and will permanently suspend the amount provided the District spends at least this amount in good faith progress to implement the CP. The total cost of the CP is estimated to be \$1.2 million. The District reviewed the proposed Order and concurs with it.

ISSUES: No known issues. This item is uncontested

Mgmt. Review_____

Legal Review_____

28/29 April 2005

Central Valley Regional Water Quality Control Board
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